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# LAWS RELATING TO STREET RAILWAYS.

## *Transportation of Snow, Gravel, etc.*

Acts of 1898, Chapter 323.

**An Act to authorize Street Railway Companies to use their cars and tracks for the Transportation of Snow, Ice, Stones, Gravel, Dirt, Street Sweepings and Grading Materials.**

SECTION 1. Any corporation owning or operating a street railway within the Commonwealth may, in any city with the consent of the mayor and board of aldermen or in any town with the consent of the selectmen, convey in cars propelled by electricity or horse power over its tracks any snow, ice, stones, gravel, dirt or street sweepings which have been taken from any street or way over or through which its tracks are located, for the purpose of improving said street or way; and may also, in like manner and with like consent, convey to any point on its line any necessary material for use in the construction, grading, repairing or improving of such street or way.

Snow, gravel, etc., may be carried on street railways, with consent of local board.

SECTION 2. This act shall take effect upon its passage. [Approved April 14, 1898.]

## *Avoidance of Grade Crossings with Railroads.*

Acts of 1898, Chapter 404.

**An Act to authorize Street Railway Companies to Acquire Land for the Avoidance of Grade Crossings with Railroads.**

SECTION 1. A street railway company, for the purpose of avoiding or eliminating a crossing of a railroad by its railway at grade, may purchase or otherwise take land necessary therefor, not exceeding fifty feet in width, outside the limits of a public way: *provided*, that no land shall be so taken which cannot lawfully be taken for the laying out of a railroad; nor until a plan, made on an appropriate scale and showing by metes and bounds the land proposed to be purchased or taken, with the names of the owners thereof, after notice to such owners, and after a public notice and hearing such as are required in case of a location of a street railway upon a public way, has been approved in writing by the board of aldermen of the city or selectmen of the town in which the land is situated; nor shall the land of a railroad company or of another street railway company be so taken against the consent of such company, without the approval, after notice and hearing, of the board of railroad commissioners.

Land may be purchased or taken to avoid grade crossings with railroads. *Provido.*

SECTION 2. A deed or description, with a plan of the land so purchased or taken, shall be filed in the registry of deeds for the county or district in which the land is situated; and the provisions of the general laws relative to the payment or recovery of damages for lands and other railroad purposes shall apply with respect to all lands under the provisions of this act.

Plan, etc., to be filed.

Recovery of damages.

Manner of crossing over or under railroad.

SECTION 3. A street railway company which has so acquired land for the purpose may construct its railway over or under a railroad, in the manner agreed by the companies, or, if they do not agree, in a manner prescribed by the board of railroad commissioners: *provided*, that no overhead structure shall be built at a height of less than eighteen feet above a railroad track without the consent in writing of said board.

Structures within limits of public way.

SECTION 4. The board of aldermen of a city or the selectmen of a town may authorize structures or alterations within or partly within the limits of a public way, necessary for carrying a street railway over or under a railroad: *provided*, that the public way is not thereby made unsafe for other public travel, and that in the case of a state highway the consent of the Massachusetts highway commission shall also be obtained.

Railways outside public ways subject to general street railway laws.

SECTION 5. A street railway company whose railway is located in part outside the limits of public ways shall, with respect to the equipment, use and operation of its railway and transportation thereon, be subject to the provisions of all general laws now or hereafter in force relating to street railways and street railway companies, as fully as if its railway were located wholly within the limits of public ways.

SECTION 6. This act shall take effect upon its passage. [*Approved May 10, 1898.*]

### *Taxation of Interstate Railways.*

Acts of 1898, Chapter 417.

#### **An Act relative to the Taxation of Street Railway Companies.**

Interstate street railways to be taxed.

SECTION 1. The provisions of sections thirty-eight to forty-one and fifty-three to sixty-six, inclusive, of chapter thirteen of the Public Statutes, which are applicable to railroad companies whose lines are located partly within and partly without the limits of this Commonwealth, shall apply in like manner to street railway companies, whether chartered or organized in this Commonwealth or elsewhere.

Act, when to take effect.

SECTION 2. This act shall take effect upon its passage, and a tax shall be laid and collected under the provisions thereof for the present year in the same manner and to the same effect as if it had been in force on the first day of May. [*Approved May 11, 1898.*]

### *Taxation, Locations, etc.*

Acts of 1898, Chapter 578.

#### **An Act relative to Street Railways.**

Definition of words and phrases. See P. S. 112, § 1.

SECTION 1. In the construction of this act, unless such meaning would be repugnant to the context, "street railways" and "railways" shall mean all railways, including tracks, poles, wires and other appliances and equipments connected therewith, which are constructed on, in, under or above the public highways or streets, and operated by any motive power other than steam, except such as are at the present time owned or operated by or leased to the Boston Elevated Railway Company. "Street railway companies" and "companies" shall mean all corporations, persons, partnerships or associations constructing, maintaining or operating street railways, but shall not include said Boston Elevated Railway Company, or companies whose railways are at the present time leased or operated by said company. "Location" shall mean the grant to a street railway company by vote or

Exceptions.

order of a board of aldermen of a city or selectmen of a town, when duly accepted by such company, of the right to construct, maintain and operate a street railway in a public highway or street in such city or town. An "original location" of a company in any city or town shall mean the first location granted to it in such city or town.

#### TAXATION OF STREET RAILWAY COMPANIES.

SECTION 2. In the case of street railway companies, the return to the tax commissioner under the provisions of section thirty-eight of chapter thirteen of the Public Statutes shall also contain a statement under the oath of the treasurer of every such company, giving the length of the track operated by it in each city and town in the Commonwealth on the thirtieth day of September next preceding the date of the return, which length shall be determined by measuring as single track the total length of all track operated by such company, including sidings and turn-outs, whether owned or leased by it or over which it has trackage rights only; and said return shall also contain a statement under the oath of the treasurer of every such company, showing the amount of the capital stock of the company and of the dividends paid thereon during the year ending on the thirtieth day of September last preceding, and during each and every year from the organization of the company.

Return to tax commissioner, to give length of track in each city and town. See § 6.

also amount of capital stock and dividends paid.

SECTION 3. Whenever an operating street railway company has paid during the year ending on the thirtieth day of September next preceding the date of the return referred to in section two of this act, dividends exceeding in the aggregate eight per cent upon its capital stock, said company shall for every such year, in addition to the tax upon its corporate franchise for which it is liable under the provisions of chapter thirteen of the Public Statutes, pay to the treasurer of the Commonwealth a tax equal to the amount of such excess: *provided, however*, that no company shall be liable to pay such additional tax which has not from the date when it commenced to operate its road paid dividends equivalent in the aggregate to at least six per cent per annum upon its capital stock from year to year. Said tax shall be determined and paid in the manner provided in said chapter thirteen in relation to taxes upon the corporate franchises of street railways.

Excess dividend tax.

See P. S. 13, § 40.

Proviso.

See P. S. 13, §§ 53-56.

SECTION 4. Prior to the first day of November in each year, the tax commissioner shall apportion the amount of the tax for which each street railway company is liable under the provisions of chapter thirteen of the Public Statutes and under the provisions of section three of this act, among the several cities and towns in proportion to the length of tracks operated by such company in said cities and towns respectively, subject to appeal to the board of appeal constituted by sections sixty-one and sixty-two of said chapter thirteen. The tax commissioner shall notify the treasurers of every such city and town of the share of said tax so apportioned to each city and town, and he shall also certify to the treasurer of the Commonwealth the shares thus apportioned as finally determined in case of appeal.

Apportionment to cities and towns of tax on corporate franchise and on dividend excess. See P. S. 13, §§ 40, 61, 62.

Notice of apportionment.

SECTION 5. As soon as practicable after the receipt of said tax and of the certificate of apportionment thereof by the tax commissioner, the treasurer of the Commonwealth shall credit and pay over to the treasurers of the several cities and towns the shares of said tax apportioned to them respectively as aforesaid.

Payment of amounts apportioned to cities and towns.

SECTION 6. Every street railway company shall, on or before the fifteenth day of October in each year, make and file in the office of the board of assessors of every city and town in which any portion of the railway operated by it is situated, a return signed and sworn to by its president and treasurer,

Return to local assessors of length of track and amount of gross receipts. See §§ 2, 28.

stating the length of track operated by it in public ways in such city or town, and also the total length of track operated by it in public ways, determined as provided in section two of this act, and also the amount of its gross receipts during the year ending on the thirtieth day of September next preceding, which gross receipts shall include all amounts received by it from the operation of its railway, but shall not include income derived from sale of power, rental of tracks or other sources.

Excise tax on gross receipts. See § 28.

how graduated.

SECTION 7. On or before the first day of November in each year, the assessors of every city and town in which any street railways are operated shall assess on each company operating such railways therein, an excise tax of an amount equal to such proportion of the following percentages of the gross receipts of such company as the length of tracks operated by it in public ways of such city or town bears to the total length of tracks operated by it in public ways; to wit: In case of companies whose annual gross receipts per mile of track operated are four thousand dollars or less, one per cent of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than four thousand dollars and less than seven thousand dollars, two per cent of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than seven thousand dollars and less than fourteen thousand dollars, two and one-quarter per cent of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than fourteen thousand dollars and less than twenty-one thousand dollars, two and one-half per cent of the total annual gross receipts; in case of companies whose annual gross receipts per mile of track operated are more than twenty-one thousand dollars and less than twenty-eight thousand dollars, two and three-quarters per cent of the total annual gross receipts; and in case of companies whose annual gross receipts per mile of track operated are twenty-eight thousand dollars or more, three per cent of the total annual gross receipts. The excise tax provided by this section shall be in addition to the taxes now provided by law.

Amount of excise tax to be paid by company may be revised by the board.

Proceedings on petition for revision.

Basis of revision.

SECTION 8. At any time after the end of three years from the first day of October in the year eighteen hundred and ninety-eight, the selectmen of any town or the aldermen of any city, or any street railway company operating in such town or city, may petition the board of railroad commissioners for a revision of the amount of the excise tax to be thereafter paid by said company under the preceding section; and said board shall thereupon proceed to investigate and determine, after public notice and a hearing at which said selectmen or aldermen and said company may submit such evidence as may be pertinent, the average annual cost to said town or city of the work done by it during the preceding three years under the provisions of this act which by law it was not previously required to do, and also the average annual payments made by said company to said town or city under and pursuant to said section during said three years; and having ascertained and determined said average annual cost and average annual payments, said board shall thereupon determine and fix the proportion of the percentage of the gross receipts which shall be paid as an excise tax under said section by the company to said town or city annually thereafter, said proportion to be fixed at such a rate as will be necessary to yield to said town or city annually thereafter an amount equal to the average annual cost to said town or city of the work done by it during the preceding three years under the provisions of this act and which it was not by law previously required to do, as determined as aforesaid; and the

proportion of the percentage so fixed shall not be again changed for the period of three years, and not except in the manner herein provided. Said board may at any time upon petition therefor by any city or town entitled to any part of the excise tax paid by any street railway company, after such notice as the board may order to all other cities and towns entitled to share in the excise tax paid by said company, and after a hearing, determine as to the distribution thereof among the several cities and towns in which such company operated any part of its railway, and fix the proportions thereof to which they shall respectively be entitled, which shall thereafter be the proportions of said excise tax to be assessed upon said company under the provisions of this act, instead of the proportion based upon length of tracks as hereinbefore provided.

Board may also revise the distribution of excise tax among cities and towns.

SECTION 9. Prior to the fifteenth day of November in each year, the assessors of every city and town shall notify the collector of taxes in such city or town of the amount of excise tax assessed therein on every street railway company under the provisions of section seven of this act, and the collector shall forthwith notify the treasurer of every such street railway of the amount of the excise tax so assessed on it. Said excise tax shall become due and payable to such city or town within thirty days from the receipt by such company of the notice of the amount of said excise tax. All the provisions of law relating to the collection of taxes on property taxed locally, so far as the same are applicable, shall apply to the excise tax assessed under said section seven.

Notice of amount of excise tax assessed.

Payment and collection thereof.

SECTION 10. All amounts paid to cities and towns under the provisions of sections five, nine and twenty-eight of this act shall be applied towards the construction, repair and maintenance of the public ways, and removal of snow therefrom, within such cities and towns.

City or town to apply amount of taxes received to the repair, etc., of public ways.

#### REPAIR OF STREETS AND REMOVAL OF SNOW.

SECTION 11. Street railway companies shall not be required to keep any portion of the surface material of streets, roads and bridges in repair, but they shall remain subject to all legal obligations imposed in original grants of locations; and may, as an incident to their corporate franchise and without being subject to the payment of any fee or other condition precedent, open any street, road or bridge in which any part of their railway is located for the purpose of making repairs or renewals of the railway or any part thereof, the superintendent of streets or other officer exercising like authority, or the board of aldermen or selectmen, in any city or town where such are required, issuing the necessary permits therefor. Whenever, during the original construction or subsequent alteration or extension, or the making of any such repairs or renewals, of any railway or any part thereof, said surface material is disturbed, the company owning or operating such railway shall at its own cost, except as otherwise provided in this act, replace to the reasonable satisfaction of the superintendent of streets or other officer exercising like authority, said surface material with the same form of construction as that disturbed, or, by first obtaining the approval thereof by such officer, with a different material and form of construction, and shall restore said street, road or bridge to as good condition as existed at the time of such disturbance. Every street railway company shall be liable for any loss or injury suffered by any person in the management and use of its tracks, and during the construction, alteration, extension, repair or renewal of its railway, or while replacing the surface of any street disturbed as aforesaid, and resulting from the carelessness, neglect, or misconduct of its agents or servants engaged in the prosecution of such work,

Company not required to keep surface material of street in repair, except, etc. may open street for repairs and renewals.

to replace surface material and restore condition of streets.

Liability for loss or injury resulting from carelessness, neglect, etc.

Duties, etc.,  
with respect to  
bridges.

provided that notice of such loss or injury is given to the company and an action therefor commenced in the manner provided by section nineteen of chapter fifty-two of the Public Statutes and acts in amendment thereof. Nothing in this section shall be construed to affect, enlarge or diminish the rights, duties or liabilities of any street railway corporation for or concerning the construction or maintenance of any bridge or bridges, or parts thereof, which any private person or corporation is now bound or legally liable, or may hereafter become bound or legally liable, in whole or in part to construct or maintain.

Clearing snow  
from tracks.

SECTION 12. Street railway companies shall clear snow from their tracks in such a manner as may be approved by the superintendent of streets or by any other officer exercising like powers in the city or town in which such tracks are situated.

#### LOCATIONS.

Original loca-  
tion.

SECTION 13. The board of aldermen of a city or the selectmen of a town, upon the petition for an original location of tracks in such city or town by a majority of the directors of a company in process of organization under the provisions of sections two to six, inclusive, of chapter one hundred and thirteen of the Public Statutes, or by the board of directors of a corporation organized under said chapter or under a special act, shall give written notice to all parties interested of the time and place at which they will consider such petition, at least fourteen days before the meeting of such board or selectmen for considering said petition, by publication in one or more newspapers published in said city or town, and, if none such is published, then by publication in one or more newspapers published in the county in which said city or town is located; and after hearing, if in their opinion public convenience and necessity require, they shall grant said location or any portion thereof. In granting said location they may prescribe the manner in which said tracks shall be laid and the kind of rails, poles, wires and other appliances which shall be used, and they may also impose such other terms, conditions and obligations in addition to those applying to all street railways under the general provisions of law, as the public interest may in their judgment require; and the location thus granted shall be deemed and taken to be the true location of the tracks of the railway, if an acceptance thereof in writing by said directors is filed with said board of aldermen or with said selectmen within thirty days after receiving notice of the granting of the location. If either the majority in value as determined by the last preceding assessment for taxation, or not less than ten in number, of those owning real estate abutting on any public way in which a location of a street railway has been granted, shall, within fifteen days after the granting of such location, file a written protest with the board of railroad commissioners, such location shall not be valid, so far as such way is concerned, until approved by the board of railroad commissioners after public notice and a hearing. No company shall commence construction under an order of a board of aldermen or of selectmen granting a location as aforesaid, until the expiration of the time in which such protest may be filed with said board of railroad commissioners, nor, in case such protest is so filed, until said board of railroad commissioners has taken final action thereon approving the same. All locations heretofore granted or in use are hereby ratified and confirmed as if accepted under the provisions of this section, and shall continue in force, subject only to revocation as provided in section seventeen, and to all provisions, restrictions, regulations or conditions applying to all street railways under the general law as now in force except so far as changed or modified by this act.

Notice and  
proceedings.

Conditions and  
restrictions.

Acceptance of  
location.

Protest of  
abutters and  
approval of loca-  
tion by board.

Construction,  
when to com-  
mence.

Existing loca-  
tions confirmed,  
subject, etc.

**SECTION 14.** Any street railway company whose petition for an original location, made necessary in order to connect two towns or cities or a city and town, has in whole or in part been granted or refused, or has been neither granted nor refused in such connecting town or city within three months after the filing thereof, may, at any time within thirty days of such grant or refusal of a location or of the expiration of said three months, apply to the board of railroad commissioners for such location. If it shall appear at a hearing on said application, after such notice to the aldermen or selectmen and to all persons owning real estate abutting upon any way in which such location was asked for, by publication or otherwise, as said board may order, that the company has already been granted and has duly accepted locations for a street railway in two towns or cities, or a town and city, adjoining the city or town in which such location has been asked for, and that a location is necessary to connect such existing locations, said board may, if it finds that public necessity and convenience so require, enter a decree granting a connecting location. In granting the location said board may prescribe the appliances and impose the conditions and obligations which are specified or referred to in section thirteen of this act relative to the granting of original locations. No company shall commence construction under an order of a board of aldermen or of selectmen granting a location as aforesaid until the expiration of the time in which such application may be made to the board of railroad commissioners, nor, in case such application is made, until final action thereon has been had.

In case of failure to obtain original location connecting two cities or towns, board may grant same.

Notice and proceedings.

Conditions.

**SECTION 15.** The board of aldermen of a city or the selectmen of a town, upon the petition of fifty legal voters or the board of directors of a street railway company whose tracks are located in said city or town, and after notice and hearing as provided in section thirteen of this act, may grant a location for the extension of the tracks of such company and prescribe the manner in which said tracks shall be laid and the kind of rails, poles, wires and other appliances which shall be used; but they shall not impose as terms or conditions of such grant any obligations other than or in addition to those applying to all street railways under the general law in force at the date of the passage of this act, or such as may have been imposed in the original grant of location to such company in such city or town subsequent to the passage hereof. The provisions of section thirteen of this act as to acceptance, and as to protest of abutters and approval by the board of railroad commissioners, shall apply to grants of extensions under this section.

Extension of location.

Acceptance, protest, etc.

**SECTION 16.** The board of aldermen of a city or the selectmen of a town, upon the petition of the board of directors of a street railway company whose tracks are located in said city or town, or upon the petition of any interested party, after notice and hearing as provided in section thirteen of this act, may alter the location of tracks of said company in the manner and subject to the provisions contained in section fifteen of this act. Such alterations shall be made by the company within such time, and the expense thereof shall be borne by such party or parties and in such proportions, as the board of aldermen or selectmen may determine.

Alteration of location.

Cost, etc.

**SECTION 17.** The board of aldermen of a city or the selectmen of a town, after the expiration of one year from the opening for use of a street railway in their city or town, and after notice as provided in section thirteen of this act and a hearing, if the public necessity and convenience in the use of the streets require, may, for good and sufficient reasons to be stated in the order therefor, order that the location of any street railway in any high-

Revocation of location.



Revocation of location not valid without approval of board, unless consented to.

Removal of railway.

way or street shall be revoked; but no revocation of a location of a street railway shall be valid until approved by the board of railroad commissioners after public notice and hearing, unless the company consent thereto in writing within thirty days after such order of revocation. Upon revocation approved as aforesaid, the company shall remove the railway in conformity with the order of revocation, and shall put the portion of the surface of streets disturbed by such removal in as good condition as the adjacent surface of said streets. If the company neglects to execute such order after thirty days' notice of such approval thereof, the board of aldermen or selectmen may cause the same to be executed and the work done at the expense of the company, to be recovered in an action of tort.

#### MISCELLANEOUS PROVISIONS.

Special cars and rates.

Free passes.

Penalty.

Part of expense of widening street may be assessed on street railway company.

also of altering or changing grade of street.

Betterment laws to apply.

SECTION 18. Street railway companies may provide cars for special service and may make special rates therefor; and may make special rates for working men and working women on week days between the hours of five and seven in the morning and five and seven in the evening, and for children attending school. They shall not give free tickets or passes to any state, county or municipal official, or to any person in the employ of the Commonwealth or of any county, city or town, except policemen, firemen and letter carriers in uniform: *provided, however*, that free tickets or passes may be given by any street railway company to any person who is actually connected with it as a director or in any executive capacity. The violation of the provisions of this section by a company may be alleged as a misdemeanor in any hearing under the provisions of section seventeen of this act, upon appeal from an order of a board of aldermen or of selectmen revoking the location of such company; and, if the board hearing the same in its discretion so decides, shall constitute valid and sufficient ground upon which to approve of the revocation of such location or any portion thereof.

SECTION 19. Whenever a street or highway in which there are no street railway tracks located is widened under the provisions of chapter fifty-one or the Public Statutes by an order declaring the widening to be rendered necessary for the public convenience for the purpose of granting a location of street railway tracks therein, as prayed for by a pending petition for such location, a proportionate share of the expense of such widening may be assessed upon a street railway company which has accepted a location in said street or highway so widened, provided the amount of such assessment, in addition to the amounts assessed on real estate, shall not exceed one half of the total cost of said widening.

SECTION 20. Whenever a street or highway in which the tracks of a street railway company have been located for a period of five years is altered, or the grade thereof changed, under the provisions of chapter fifty-one of the Public Statutes, said company shall pay such a proportionate share of the expense thereof, including as a part of such expense the necessary cost of changing its railway to conform to such alteration or change of grade, as may be assessed upon it, provided that no such assessment shall exceed the aggregate amount of all the betterments assessed upon real estate, and that no such assessment shall exceed one quarter of the total cost of such alteration or change of grade.

SECTION 21. The provisions relating to notice, time of payment, interest, appeal by party aggrieved, and all other provisions of chapter fifty-one of the Public Statutes and of all laws relating to the assessment of betterments on real estate, so far as the same are applicable, shall apply to assessments made under the provisions of sections nineteen and twenty

of this act. Said assessments shall be collected in the manner provided for the collection of taxes assessed locally.

Collection of assessments.

SECTION 22. A street railway company may issue capital stock to the amount which the board of railroad commissioners shall find to have been actually paid by, or to have become a legal liability of, such company under the provisions of sections fifteen, nineteen and twenty of this act.

Company may issue stock for certain purposes.

SECTION 23. The board of aldermen of a city or the selectmen of a town, or fifty legal voters of a city or town, in which a street railway is located, or a street railway company in any case when its fares have been revised under this section, may apply to the board of railroad commissioners, who, after due notice to the parties interested and a hearing, may revise and regulate the fares established by said company or by said board; but such fares shall not, without the consent of the company, be reduced below the average rate of fare charged for similar service by other street railway companies which, in the judgment of the board of railroad commissioners, are operated under substantially similar conditions. Said board in considering such petition shall take into account the effect upon the whole railway system of the company of any desired reduction. The report of the board shall be final and conclusive for one year.

Revision and regulation of fares.

SECTION 24. Whenever a street, road, bridge or other public way in which a street railway location has been previously granted by the local authorities is laid out, taken charge of or constructed by or under authority of the state highway commission, said commission shall thereafter, so long as it has charge thereof, have and exercise with regard to the location and maintenance of street railways therein the same authority, in the same manner and subject to the same provisions, as is conferred by this act upon boards of aldermen and selectmen; such authority to be exercised in the same manner, subject to the same provisions, and subject to the same rights on the part of abutters and street railway companies, as are herein provided with respect to the relocation and maintenance of street railways in public ways not under the jurisdiction or charge of said commission.

Jurisdiction of state highway commission in certain cases.

SECTION 25. The supreme judicial court and the superior court shall have jurisdiction in equity to enforce the provisions of this act and to restrain the violation thereof, and to review the rulings of law of any state board or commission relative to street railways, and to annul, modify and amend the same as law and justice may require; and every such board shall keep a record of its proceedings in any matter considered by it under the authority of this act, or of chapter one hundred and thirteen of the Public Statutes and of acts in amendment thereof, or other acts affecting street railways, in which it shall enter every request made by any party before it for a ruling of law, and of its action upon such request, and the neglect to either grant or refuse such request shall be taken in any judicial review of such proceedings as a refusal.

Equity jurisdiction of supreme judicial and superior courts. See P. S. 113, § 63; 1891, 298.

SECTION 26. Sections fifty-seven and fifty-eight of chapter thirteen of the Public Statutes, so far as said sections relate to the distribution of taxes assessed and collected upon the corporate franchise of street railway companies; section thirty-two of chapter one hundred and thirteen of the Public Statutes; so much of section twenty-seven of said chapter one hundred and thirteen as relates to the removal of snow and ice; sections seven, twenty-one, twenty-two, twenty-three, twenty-four, forty-four and forty-five of said chapter one hundred and thirteen; chapter five hundred and forty-one of the acts of the year eighteen hundred and ninety-six; and all other acts and parts of acts inconsistent herewith, are hereby repealed; subject to the exception contained in section twenty-eight.

Repeal of certain acts and parts of acts.

Exception.

Amendment of  
P. B. 113, § 8.

SECTION 27. Section eight of chapter one hundred and thirteen of the Public Statutes is hereby amended by striking out the word "so" in the second line, and by inserting after the word "located" in the same line, the words:— in the manner provided by law,— so as to read as follows:—

Certificate of  
incorporation,  
first meeting,  
etc.

*Section 8.* When the track or tracks of the proposed company have been located in the manner provided by law, the corporation may be established, and the first meeting shall be called, under the conditions and in the manner provided for railroad corporations in sections forty-three, forty-four, and the first clause of section forty-five, of chapter one hundred and twelve, which provisions shall apply to street railway companies as far as applicable: *provided*, that so much of said section forty-four as requires any payment to be made to the treasurer in excess of ten per cent of the capital stock, or any bond or assurance, shall not apply to street railway companies.

Act, when to  
take effect.

SECTION 28. This act shall take effect on the first day of October in the

not to apply  
to Boston  
Elevated Rail-  
way Company,  
etc.

year eighteen hundred and ninety-eight, except as to sections six and seven, and as to those sections this act shall take effect on the first day of

October in the year eighteen hundred and ninety-nine; but for the term of

twenty-five years from the tenth day of June in the year eighteen hundred

and ninety-seven, this act shall not apply to or affect the Boston Elevated

Railway Company or any railways now owned, leased or operated by it,

or the opening, widening or paving, or the altering or changing of any

grade, of any street or highway in which it operates such railway, nor

shall it apply to snow in such street or highway; and the acts and parts of

acts repealed by section twenty-six hereof shall continue during said term

in full force so far as they relate thereto: *provided, however*, that the taxes

now or hereafter imposed by general law consistently with the provisions

of section ten of chapter five hundred of the acts of the year eighteen hun-

dred and ninety-seven upon the Boston Elevated Railway Company, as

therein provided, and the taxes or excises in fact imposed upon the West

End Street Railway Company at the date of the passage of said act, except

taxes locally assessed upon the real estate and machinery of said corpora-

tions consistently with said section, shall be paid and distributed as the

compensation tax imposed by said section ten upon said elevated railway

company is paid and distributed; and *provided, further*, that the return by

the Boston Elevated Railway Company to the tax commissioner under the

provisions of section thirty-eight of chapter thirteen of the Public Statutes

shall also contain a statement under the oath of the treasurer of said com-

pany, giving the length of the track operated by it in each city and town

in the Commonwealth on the thirtieth day of September next preceding the

date of the return, which length shall be determined by measuring as

single track the total length of all track operated by said company, includ-

ing sidings and turn-outs, and specifying the length of such track in each

city and town which is owned by it, and the length of such track operated

by or leased to it in each city or town which is owned by any other com-

pany, with the name of the company and the length of track in each city

or town owned by every such company; and *provided, further*, that, prior

to the first day of November in each year, the tax commissioner shall

apportion the amount of the tax for which the Boston Elevated Railway

Company and any other street railway company whose railways are now

owned, leased or operated by it, are liable under the provisions of chapter

thirteen of the Public Statutes, among the several cities and towns in pro-

portion to the length of tracks owned by said Boston Elevated Railway

Company and by each of said other street railway companies in said cities

and towns respectively, subject to appeal to the board of appeal constituted

Special provi-  
sions relating  
to the taxes and  
returns of the  
Boston Elevated  
Railway Com-  
pany and its  
leased lines.  
See 1897, 500,  
§ 10.

See § 2, *ante*.

See § 4, *ante*.

by sections sixty-one and sixty-two of said chapter thirteen. The tax commissioner shall notify the treasurers of every such city and town of the share of said tax so apportioned to each city and town, and he shall also certify to the treasurer of the Commonwealth the shares thus apportioned as finally determined in case of appeal. [*Approved June 23, 1898.*]

### *Injury or Destruction of Signals.*

Acts of 1899, Chapter 262.

#### **An Act relative to the Injury or Destruction of Street Railway Signals.**

SECTION 1. Section two hundred and seven of chapter one hundred and twelve of the Public Statutes, as amended by chapter five of the acts of the year eighteen hundred and eighty-four, is hereby amended by adding after the word "railroad", in the second and fourth lines, the words: — or street railway, — so as to read as follows: — *Section 207.* Whoever unlawfully and intentionally injures, molests, or destroys any signal of a railroad or street railway corporation, or any line, wire, post, or other structure or mechanism used in connection with such signal on a railroad or street railway, or destroys or in any way interferes with the proper working of such signal, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not exceeding two years, or both. Amendment of P. S. 112, § 207. Penalty.

SECTION 2. This act shall take effect upon its passage. [*Approved April 10, 1899.*]

### *Examination of Bridges.*

Acts of 1899, Chapter 286.

#### **An Act relative to the Examination of Street Railway Bridges.**

SECTION 1. The provisions of chapter three hundred and thirty-four of the acts of the year eighteen hundred and eighty-seven, entitled "An Act relating to the examination of railroad bridges", are hereby made applicable to street railway bridges and to the several companies owning or maintaining the same. St. 1887, c. 334, made applicable to street railway bridges.

SECTION 2. The first report in relation to such bridges shall be transmitted to the board of railroad commissioners on or before the first day of November in the present year. When a street railway company builds a new bridge it shall first submit the plans thereof to said board for approval, and upon the completion thereof shall forthwith cause to be made and transmitted to the board in like manner a report concerning the same. First report, when to be transmitted. Plans to be submitted before bridge is built.

SECTION 3. This act shall take effect upon its passage. [*Approved April 20, 1899.*]

## **SPECIAL LAWS RELATING TO STREET RAILWAYS.**

### **Statutes of 1898.**

CHAPTER 61. — An Act to extend the time for constructing and operating the Templeton Street Railway.

CHAPTER 114. — An Act to extend the time within which the Amherst & Sunderland Street Railway Company may construct its road.

- CHAPTER 129. — An Act to extend the time within which the Fall River & Providence Street Railway Company may construct and operate its road.
- CHAPTER 144. — An Act to extend the time for the organization of the Western Hampshire Street Railway Company.
- CHAPTER 202. — An Act to authorize the Lowell, Lawrence & Haverhill Street Railway Company and the Lowell & Suburban Street Railway Company, respectively, to operate their cars each over certain locations of the other.
- CHAPTER 220. — An Act to extend the charter of the Barnstable County Street Railway Company.
- CHAPTER 260. — An Act to authorize the Lynn & Boston Railroad Company to obtain a relocation of its tracks in the highway laid out over the Salem turnpike.
- CHAPTER 279. — An Act to incorporate the Providence & Taunton Street Railway Company.
- CHAPTER 283. — An Act to extend the time within which the Marlborough & Westborough Street Railway Company may construct and operate its railway.
- CHAPTER 296. — An Act relative to the Plum Island Electric Street Railway Company.
- CHAPTER 297. — An Act to authorize the Woronoco Street Railway Company to act as a common carrier of small parcels, and of the United States mail.
- CHAPTER 303. — An Act to authorize the Hanover Street Railway Company to act as a common carrier of small parcels, and of the United States mail.
- CHAPTER 304. — An Act to authorize the Rockland & Abington Street Railway Company to act as a common carrier of small parcels, and of the United States mail.
- CHAPTER 309. — An Act to incorporate the Plymouth & Sandwich Street Railway Company.
- CHAPTER 327. — An Act to authorize the Haverhill, Georgetown & Danvers Street Railway Company to construct and operate its railway in the towns of Newbury, Rowley and Ipswich.
- CHAPTER 329. — An Act to incorporate the Milford, Attleborough & Woonsocket Street Railway Company.
- CHAPTER 335. — An Act to authorize the Greenfield & Turner's Falls Street Railway Company to act as a common carrier of small parcels, and of the United States mail.
- CHAPTER 338. — An Act to authorize the Worcester & Marlborough Street Railway Company to act as a common carrier of small parcels, and of the United States mail.
- CHAPTER 352. — An Act to incorporate the Fitchburg & Ashby Street Railway Company.
- CHAPTER 553. — An Act to ratify and confirm certain acts of the association for the formation of the Framingham, Southborough & Marlborough Street Railway Company.

#### Resolves of 1898.

- CHAPTER 18. — Resolve to extend the authority of the committee to investigate the subject of the relations between street railways and municipal corporations.

- CHAPTER 58.** — Resolve to provide for printing the report, with appendices, of the special committee appointed to investigate the subject of the relations between cities and towns and street railway corporations.

**Statutes of 1899.**

- CHAPTER 65.** — An Act to authorize the Needham & Boston Street Railway Company to operate its railway over private property.
- CHAPTER 113.** — An Act relative to the Plymouth & Sandwich Street Railway Company.
- CHAPTER 117.** — An Act relative to the distribution of the street railway taxes for the year eighteen hundred and ninety-eight.
- CHAPTER 230.** — An Act to extend the time within which the Marlborough & Westborough Street Railway Company may construct and operate its railway.
- CHAPTER 257.** — An Act to authorize the Providence & Taunton Street Railway Company to carry fuel and supplies for its own use.
- CHAPTER 258.** — An Act to authorize the Brockton, Bridgewater & Taunton Street Railway Company to carry fuel and supplies for its own use.
- CHAPTER 272.** — An Act to authorize the Norfolk Central Street Railway Company to act as a common carrier of baggage and of small parcels of merchandise.
- CHAPTER 288.** — An Act to authorize the Norfolk Western Street Railway Company to carry the United States mail and to act as a common carrier of baggage and small parcels of merchandise.
- CHAPTER 293.** — An Act to authorize the Northampton & Amherst Street Railway Company to construct a bridge across the Connecticut river between the city of Northampton and the town of Hadley.
- CHAPTER 304.** — An Act to incorporate the purchasers of the franchise and property of the Newburyport & Amesbury Horse Railroad Company.
- CHAPTER 351.** — An Act to incorporate the Waltham, Ayer & Pepperell Street Railway Company.
- CHAPTER 370.** — An Act to authorize the Worcester & Clinton Street Railway Company to carry the United States mail and to act as a common carrier of baggage and small parcels of merchandise.
- CHAPTER 398.** — An Act to authorize the replacing of street car tracks on Boylston and Tremont streets in the city of Boston.
- CHAPTER 410.** — An Act relative to the Fitchburg & Suburban Street Railway Company.
- CHAPTER 416.** — An Act to incorporate the Berkshire & Canaan Street Railway Company.











